

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 5 NUMBER 33

Washington, Friday, February 16, 1940

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

FEBRUARY 14, 1940.

To NEWARK STOCK YARDS,
Newark, N. J.

Whereas, the New England Stock Yards, at Somerville, Massachusetts, was posted on July 11, 1933, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the New England Stock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the New England Stock Yards, at Somerville, Mass., no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 40-703; Filed, February 15, 1940;
11:38 a. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

FEBRUARY 14, 1940.

To NICK H. ZIRBES and RAY MCFARLAND,
Doing business as South Dakota Livestock Sales Company, Watertown,
S. Dak.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the South Dakota Livestock Sales Company, at Watertown, State of South Dakota, is subject to the provisions of said Act.

¹ Modifies list posted stockyards 9 CFR 204.1.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 40-704; Filed, February 15, 1940;
11:38 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER I—FEDERAL HOME LOAN BANK BOARD

RESOLUTION DEFINING BASIS OF APPRAISALS IN EXAMINATIONS DETERMINING ELIGIBILITY FOR FEDERAL HOME LOAN BANK MEMBERSHIP

Relating to § 3.2, Part 3 of Chapter I, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Chief Examiner is hereby directed to issue instructions that, pending proposed changes in the Rules and Regulations, all current appraisals of real estate security made in connection with eligibility examinations be made on a basis of realistic market values.

(Effective date October 11, 1939)

(Secs. 4 (a), 17 of F.H.L.B.A., 47 Stat. 726, 736; 12 U.S.C. 1424 (a), 1437)

Adopted by the Federal Home Loan Bank Board on October 11, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-679; Filed, February 14, 1940;
2:58 p. m.]

RESOLUTION INTERPRETING THE WORDS "ACTIVE POLITICAL OFFICE" AND THE WORD "COMPENSATION"

Relating to § 2.4 of Part 2 of Chapter I, Title 24 of the Code of Federal Regulations.

Resolved, That the words "active political office" as set forth in subparagraph

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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14 of paragraph a. of Section 2.4 of the Rules and Regulations for the Federal Home Loan Bank System shall be deemed to mean a political or public office, whether elective or appointive, in the service of the United States, or of any State, territory, county, district, political subdivision, or municipality thereof, or a membership in a political party committee.

Resolved further, That the word "compensation" as set forth in said subparagraph shall be deemed to mean any salary, fee, retainer or other form of compensation which is substantial.

Resolved further, That in view of the many types of political and public offices, the Board will determine in each case whether an office or membership held by a candidate and whether the compensation received is within the spirit of this resolution.

(Effective date August 16, 1939)

(Sec. 7 (c), (d), (e) of F.H.L.B.A., 47 Stat. 730, as amended by Sec. 3, 49 Stat. 294; 12 U.S.C. 1427 (c), (d), (e) and Sup.)

Adopted by the Federal Home Loan Bank Board on August 16, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-680; Filed, February 14, 1940; 2:58 p. m.]

EXCERPT FROM MINUTES OF BOARD ESTABLISHING CHARGES TO BE MADE FOR EXAMINATION OF MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

Relating to § 3.5, Part 3 of Chapter I. Title 24 of the Code of Federal Regulations.

The Board considered a memorandum dated February 15, from John W. Ballard, Chief Examiner, on the subject of charges to associations for examinations, and in accordance with the recommendation contained therein approved the following as the basis of charges for the work of the Examining Division, effective March 1, 1939:

1. Any work by the District Examiner, by the review examiners in the office of the District Examiner, and by the examiner in charge of the examination, be billed to the association at the rate of \$22.50 per day.

2. That work of other men in the Examining Division be billed to the association at the rate of \$18.00 per day.

(Effective date March 1, 1939)

(Secs. 8, 17 of F.H.L.B.A., 47 Stat. 731, 736; 12 U.S.C. 1428, 1437)

Excerpt from the minutes of a meeting of the Federal Home Loan Bank Board held on February 24, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-681; Filed, February 14, 1940; 2:59 p. m.]

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

RESOLUTION AUTHORIZING GOVERNOR OR DEPUTY GOVERNOR OF FEDERAL HOME LOAN BANK SYSTEM TO APPROVE REQUESTS FOR VOLUNTARY RETIREMENT OF TREASURY AND HOME OWNERS' LOAN CORPORATION INVESTMENTS IN SAVINGS AND LOAN ASSOCIATIONS

Relating to § 203.8, Part 203 of Chapter II, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Board, having determined that each and every request by an institution for the voluntary repurchase of any investments by the Secretary of the Treasury or Home Owners' Loan Corporation will be approved if made in accordance with the requirements of law and regulation, the Governor or Deputy Governor of the Federal Home Loan Bank System is authorized and directed to approve each and every application by an institution for the privilege of voluntarily retiring any investment by the Secretary of the Treasury or Home Owners' Loan Corporation in such institution, where such application is made in conformity with law and regulation.

(Effective date November 27, 1939)

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297, 12 U.S.C. 1464 (a), (j), Sup. 1463 (n))

Adopted by the Federal Home Loan Bank Board on November 27, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-690; Filed, February 14, 1940; 2:57 p. m.]

RESOLUTION DEFINING BASIS OF APPRAISALS IN EXAMINATIONS DETERMINING ELIGIBILITY FOR CONVERSION INTO A FEDERAL SAVINGS AND LOAN ASSOCIATION

Relating to § 202.22, Part 202 of Chapter II, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Chief Examiner is hereby directed to issue instructions that, pending proposed changes in the Rules and Regulations, all current appraisals of real estate security made

in connection with eligibility examinations be made on a basis of realistic market values.

(Effective date October 11, 1939)

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 5 (i) of H.O.L.A. of 1933, as amended by Sec. 6, 48 Stat. 646; 12 U.S.C. 1464 (a), (i))

Adopted by the Federal Home Loan Bank Board on October 11, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-691; Filed, February 14, 1940; 2:57 p. m.]

RESOLUTION PERMITTING TEMPORARY CONTINUANCE OF USE OF EARLIER FORM OF MEMBERSHIP CERTIFICATES BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Relating to § 203.6, Part 203 of Chapter II, Title 24 of the Code of Federal Regulations.

Resolved, That Federal savings and loan associations operating under Charter K are authorized to continue to issue certificates of membership in the form prescribed by the Board prior to the taking effect of the resolution passed on July 26, 1937 until the present supply of such certificates which were on hand prior to August 25, 1937, the effective date of said resolution, has been exhausted.

(Effective date September 8, 1939)

(Sec. 5 (a), (b) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a), (b))

Adopted by the Federal Home Loan Bank Board on September 8, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-692; Filed, February 14, 1940; 2:58 p. m.]

RESOLUTION REVISING LANGUAGE USED IN LEGAL FORMS PRESCRIBED FOR USE BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Relating to § 203.5, Part 203 of Chapter II, Title 24 of the Code of Federal Regulations.

Be it resolved, That all forms for use by Federal associations having a Charter K, which have been heretofore approved by the Board and which have language substantially in the following form included therein: "Co-tenants (with right of survivorship) are one member as a partnership is one member. One signature is binding." are hereby amended by changing such language to read: "Signature of any one co-tenant (with right of survivorship) is binding on the others.", except that such Federal associations may continue to use any of such forms which they have available on the date of this resolution until such supply has been exhausted.

(Effective date June 28, 1939)

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a))

Adopted by the Federal Home Loan Bank Board on June 28, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-693; Filed, February 14, 1940; 2:59 p. m.]

EXCERPT FROM MINUTES OF BOARD ESTABLISHING CHARGES TO BE MADE FOR EXAMINATION OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Relating to § 203.2, Part 203 of Chapter II, Title 24 of the Code of Federal Regulations.

The Board considered a memorandum dated February 15, from John W. Ballard, Chief Examiner, on the subject of charges to associations for examinations, and in accordance with the recommendation contained therein approved the following as the basis of charges for the work of the Examining Division, effective March 1, 1939:

1. Any work by the District Examiner, by the review examiners in the office of the District Examiner, and by the examiner in charge of the examination, be billed to the association at the rate of \$22.50 per day.

2. That work of other men in the Examining Division be billed to the association at the rate of \$18.00 per day.

(Effective March 1, 1939)

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a))

Excerpt from the minutes of a meeting of the Federal Home Loan Bank Board held on February 24, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-694; Filed, February 14, 1940; 2:59 p. m.]

RESOLUTION APPROVING USE OF THE STANDARD FORM NO. 22 OF SAVINGS AND LOAN BLANKET BOND BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Relating to § 202.12, Part 202 of Chapter II, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Standard Form No. 22 of Savings and Loan Blanket Bond designated by the Assistant Secretary as Exhibit "B", (Minutes Exhibit File No. 285) is hereby approved as an acceptable form of fidelity bond for use by any Federal savings and loan association which may desire to use such bond in complying with section 102.012 of the Rules and Regulations for the Federal Savings and Loan System.

(Effective date January 12, 1939)

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a))

Adopted by the Federal Home Loan Bank Board on January 12, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-695; Filed, February 14, 1940; 3:00 p. m.]

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

EXCERPT FROM MINUTES OF FEDERAL HOME LOAN BANK BOARD ESTABLISHING CHARGES TO BE MADE FOR EXAMINATION OF INSTITUTIONS INSURED BY THE CORPORATION

Relating to § 301.14 of Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

The Board considered a memorandum dated February 15, from John W. Ballard, Chief Examiner, on the subject of charges to associations for examinations, and in accordance with the recommendation contained therein approved the following as the basis of charges for the work of the Examining Division, effective March 1, 1939:

1. Any work by the District Examiner, by the review examiners in the office of the District Examiner, and by the examiner in charge of the examination, be billed to the association at the rate of \$22.50 per day.

2. That work of other men in the Examining Division be billed to the association at the rate of \$18.00 per day.

(Effective date March 1, 1939)

(Sec. 402 (a) of N.H.A., 48 Stat. 1256, Sec. 403 (b) of N.H.A., 48 Stat. 1257, as amended by Sec. 23, 49 Stat. 298; 12 U.S.C. 1725 (a), 1726 (b) and Sup.)

Excerpt from the minutes of a meeting of the Federal Home Loan Bank Board held on February 24, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-682; Filed, February 14, 1940; 2:59 p. m.]

RESOLUTION REQUIRING ELIGIBILITY EXAMINATIONS OF ALL APPLICANTS FOR INSURANCE OF ACCOUNTS

Relating to § 301.4, Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

Whereas at the Presidents' Conference held in April, 1939, the recommendation was made that the Board require eligibility examinations in support of all applications for insurance of accounts, and

Whereas after consideration of this question the Review Committee recommends that routine eligibility examinations be required in all cases involving application for insurance of accounts, and

Whereas the Board of Trustees has reviewed such recommendation,

Be it resolved, That the recommendation of the Review Committee is hereby approved, and

Be it further resolved, That the resolution adopted by the Board of Trustees on July 19, 1939 is hereby rescinded and revoked.

(Effective date December 8, 1939)

(Sec. 402 (a) of N.H.A., 48 Stat. 1256, Sec. 403 (b) of N.H.A., 48 Stat. 1257, as

amended by Sec. 23, 49 Stat. 298; 12 U.S.C. 1725 (a), 1726 (b) and Sup.)

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation December 8, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-683; Filed, February 14, 1940;
3:00 p. m.]

**RESOLUTION DEFINING BASIS OF APPRAISALS
IN EXAMINATIONS DETERMINING ELIGI-
BILITY FOR INSURANCE OF ACCOUNTS**

Relating to § 301.4, Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Chief Examiner is hereby directed to issue instructions that, pending proposed changes in the Rules and Regulations, all current appraisals of real estate security made in connection with eligibility examinations be made on a basis of realistic market values.

(Effective date October 11, 1939)

(Sec. 402 (a) of N.H.A., 48 Stat. 1256, Sec. 403 (b) of N.H.A., 48 Stat. 1257, as amended by Sec. 23, 49 Stat. 298; 12 U.S.C. 1725 (a), 1726 (b) and Sup.)

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on October 11, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-684; Filed, February 14, 1940;
3:00 p. m.]

**RESOLUTION ESTABLISHING AMOUNT OF
ADMISSION FEE TO BE PAID BY APPLI-
CANTS FOR INSURANCE OF ACCOUNTS**

Relating to § 301.6, Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

Be it resolved, That until further notice any institution applying for insurance of accounts, provided such insurance is granted, shall pay an admission fee in accordance with Section 403 (d) of Title IV of the National Housing Act, as amended May 28, 1935, equal to four cents per one hundred dollars of the total amount of all accounts of an insurable type plus all obligations to its creditors.

(Effective date September 26, 1939)

(Sec. 402 (a) of N.H.A., 48 Stat. 1256, Sec. 403 (d) of N.H.A., as amended by Sec. 24, 49 Stat. 298; 12 U.S.C. 1725 (a), 1726 (d) and Sup.)

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on September 26, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-685; Filed, February 14, 1940;
3:00 p. m.]

**RESOLUTION DECLARING IT TO BE THE
POLICY OF THE CORPORATION TO AP-
PROVE ONLY THOSE APPLICANTS FOR IN-
SURANCE OF ACCOUNTS WHO WILL NOT
CHARGE UNREASONABLE INTEREST RATES**

Relating to § 301.3, Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

Whereas, conditions for insurance of accounts of applicant associations frequently include a requirement that the association adopt lending policies, terms and rates satisfactory to the Board of Trustees, and

Whereas from time to time questions have been raised as to the meaning of this requirement,

Be it resolved, That it is the policy of the Board to approve an application for insurance of accounts only when it is supported by evidence that the applicant association will establish and maintain such interest rates on loans as will enable it to attract and hold the best mortgage loans available in the territory it serves and that, consistent with its purpose of providing economical home-financing the association will continue to reduce interest rates and initial loan charges whenever feasible.

(Effective date July 18, 1939)

(Secs. 402 (a), 403 (c) of N.H.A., 48 Stat. 1256, 1258; 12 U.S.C. 1725 (a), 1726 (c))

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on July 18, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-686; Filed, February 14, 1940;
3:01 p. m.]

**RESOLUTION APPROVING USE OF THE STAND-
ARD FORM NO. 22 OF SAVINGS AND LOAN
BLANKET BOND BY INSTITUTIONS INSURED
BY THE CORPORATION**

Relating to § 301.16, Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Standard Form No. 22 of Savings and Loan Blanket Bond, designated by the Assistant Secretary as Exhibit "A", (Minutes Exhibit File No. 87) is hereby approved as an acceptable form of fidelity bond for use by any insured institution which is a member of the Federal Home Loan Bank System and which may desire to use such bond in complying with § 201.016 of the Rules and Regulations for Insurance of Accounts.

(Effective date January 12, 1939)

(Secs. 402 (a), 403 (c) of N.H.A., 48 Stat. 1256, 1258; 12 U.S.C. 1725 (a), 1726 (c))

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on January 12, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-687; Filed, February 14, 1940;
3:01 p. m.]

**AMENDMENT TO RULES AND REGULATIONS
FOR INSURANCE OF ACCOUNTS**

**ELIMINATING ADDITIONAL INSURANCE PRE-
MIUMS IN CONNECTION WITH MERGERS,
CONSOLIDATIONS AND PURCHASES OF BULK
ASSETS INVOLVING INCREASES IN CREDITOR
OBLIGATIONS**

Be it resolved, That the first sentence of subsection (c) of § 301.13 of the Rules and Regulations for Insurance of Accounts is amended, effective January 23, 1940, as follows:

In the event of the approval by the Board of the purchase of bulk assets or of the absorption by an insured applicant of another institution through merger or consolidation and the issuance of accounts of an insurable type in connection therewith, the applicant will be billed for an additional premium based upon the aggregate of the increase of its accounts of an insurable type issued in connection with such transaction. (Sec. 402 (a) of N.H.A., 48 Stat. 1255, Sec. 404 of N.H.A., 48 Stat. 1259, Sec. 25 (a), 49 Stat. 298; 12 U.S.C. 1725 (a), 1727 and Sup.)

Be it further resolved, That this amendment is deemed to be of an emergency character within the provisions of subsection (c) of § 301.22 of the Rules and Regulations for Insurance of Accounts.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on January 19, 1940.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-689; Filed February 14, 1940;
3:01 p. m.]

**AMENDMENT TO RULES AND REGULATIONS
FOR INSURANCE OF ACCOUNTS**

**ELIMINATING ADDITIONAL INSURANCE PRE-
MIUMS IN CONNECTION WITH MERGERS,
CONSOLIDATIONS AND PURCHASES OF BULK
ASSETS INVOLVING INCREASES IN CREDITOR
OBLIGATIONS**

Amending Effective Date

Be it resolved, That the resolution adopted by the Board on January 19, 1940, amending § 301.13 of the Rules and Regulations for Insurance of Accounts, is hereby amended to show the effective date thereof as February 14, 1940, instead of January 23, 1940.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on February 12, 1940.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-688; Filed, February 14, 1940;
3:01 p. m.]

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 401—GENERAL

RESOLUTION AUTHORIZING GOVERNOR OR DEPUTY GOVERNOR OF FEDERAL HOME LOAN BANK SYSTEM TO APPROVE REQUESTS FOR VOLUNTARY RETIREMENT OF TREASURY AND HOME OWNERS' LOAN CORPORATION INVESTMENTS IN SAVINGS AND LOAN ASSOCIATIONS

Relating to § 401.58 of Chapter IV, Title 24 of the Code of Federal Regulations.

Be it resolved, That the Board, having determined that each and every request by an institution for the voluntary repurchase of any investments by the Secretary of the Treasury or Home Owners' Loan Corporation will be approved if made in accordance with the requirements of law and regulation, the Governor or Deputy Governor of the Federal Home Loan Bank System is authorized and directed to approve each and every application by an institution for the privilege of voluntarily retiring any investment by the Secretary of the Treasury or Home Owners' Loan Corporation in such institution, where such application is made in conformity with law and regulation.

(Effective date November 27, 1939)

(Sec. 4 (k) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645; 12 U.S.C. 1463 (k), 1464 (j), 12 U.S.C., Sup., 1463 (n))

Adopted by the Federal Home Loan Bank Board on November 27, 1939.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-696; Filed, February 14, 1940;
3:01 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

PART 301—RULES OF PRACTICE AND PROCEDURE

Pursuant to the provisions of the Bituminous Coal Act of 1937 and Subsection (d) of Section 4, Part II, thereof, the following Rules and Regulations are hereby established pertaining to procedure in respect to the filing and disposition of petitions filed pursuant to Section 4, II (d) of the Act praying for a change in the prices contained in the schedule of minimum prices, or in the

marketing rules and regulations, established by the Bituminous Coal Division in General Docket No. 15, or for other appropriate relief under Section 4, II (d).

RULES AND REGULATIONS GOVERNING PRACTICE AND PROCEDURE BEFORE THE BITUMINOUS COAL DIVISION IN PROCEEDINGS INSTITUTED PURSUANT TO SECTION 4, II (D) OF THE BITUMINOUS COAL ACT OF 1937

Sec.

- 301.101 Parties.
- 301.102 Pleadings.
- 301.103 Joinder of parties.
- 301.104 Consolidation of proceedings.
- 301.105 Notice of hearing.
- 301.106 Preliminary or temporary order.
- 301.107 Hearing.
- 301.108 Evidence.
- 301.109 Findings of fact and order.
- 301.110 Exceptions to examiner's report.
- 301.111 Waiver of report of examiner.
- 301.112 Matters not governed by foregoing rules.

§ 301.101 *Parties*—(a) *Eligibility*. Any code member, district board, or member thereof, State, or political subdivision of a state, or the Director of the Consumers' Counsel Division in the Office of the Solicitor of the Department of the Interior, may become a party to any proceeding instituted pursuant to Section 4, II (d) of the Act, if possessing an interest which may be affected thereby.

(b) *Procedure*. Any person or entity eligible under (a) of this section may be constituted a party—

(1) By filing a petition praying for relief under Section 4, II (d), hereafter called an "original petition", in the form and manner designated in Section 301.102 (a) and (b).

(2) By filing a petition of intervention in a proceeding under section 4, II (d) commenced by an original petition. Such petition of intervention may be in opposition to or in support of any other pleading in the proceeding.*

§ 301.102 *Pleadings*—(a) *Form in general; subscription and verification*. Each pleading shall conform to specifications for complaints, etc., set forth in Rule XII of the "Rules of Practice and Procedure before the Commission", heretofore adopted and ratified by the Bituminous Coal Division, and shall be duly subscribed and verified in the manner set forth in Rule VI, g, of the "Rules of Practice and Procedure before the Commission".

(b) *Original petitions*—(1) *Petition complaining of prices or failure to establish coordination thereof*. (i) Each original petition shall set forth the status of the petitioner, (whether individual, partnership, corporation, etc.) and the capacity in which the petitioner is proceeding (whether as code member, district board or member thereof, etc.). Each petition shall also state the interest of the peti-

*Issued pursuant to the authority contained in Section 2 (a), 50 Stat. 72, 15 U.S.C. Supp. 829 (a); and Section 4 II (d), 50 Stat. 80, 15 U.S.C. Supp. 833 (d).

tioner and set forth with particularity the parts of the price schedules complained of, and, as to any allegation of failure to establish coordination of prices, the particular respect in which there has been such failure and the precise manner in which petitioner has been or will be affected thereby.

The petition shall set out the following information:

Name and post office address of petitioner;

Mine or mines involved in proceeding;
Location of mine or mines by township, county, state and producing district;

Transportation facilities, whether rail, river or truck;

Size, kind and quality of all coals involved;

Market areas involved;

The details and the cost of transportation of the petitioner to each market area and destination involved. [In so far as feasible, this information should include the following: To the extent that the mine ships by rail, the published freight rate from the mine to each market area and destination involved. To the extent that the coal is transported by water or by truck, the cost of transportation, i. e., the transportation charges (together with the name of the owner and operator of the transportation facilities), or actual cost to the petitioner of transportation; for water-borne commerce, the exact routes and points of loading and destination; for truck-borne commerce, the names and numbers of the highways near the mine and over which the coal is shipped, and the distance to the destinations involved. To the extent that a combination of transportation facilities is used, complete information as to routes and transportation costs or charges, as indicated above];

The mode of shipments by competitors, whether rail-, truck-, or water-borne;

The class and type of competition and competitors, specifying sizes and grades, seams and districts, and, in so far as feasible, names, addresses and the locations of the mines of the petitioner's competitors in the market destinations, or, if the number of competitors is too great, of at least the ten principal competitors with respect to the matters complained of in the original petition;

Such other information as the petitioner deems necessary for a proper and expeditious disposition of the petition.

(ii) If the petitioner is a producer, he shall specifically state whether he contends that the prices assailed fail to preserve his existing fair competitive opportunities. The petitioner making such contention shall set out in detail in what respect his competitive position has been or will be altered to his detriment, setting out to the best of his knowledge the details of any diversion of business which has occurred or is imminent, and is attributable to the prices established by

the Division. Any petitioner who claims that the prices complained of fail to effectuate other standards and purposes set forth in subsection (b) of Section 4, Part II shall specifically set out such standards and purposes and specifically state whether, and in what manner, the alleged failure to comply with said standards and purposes has resulted in an improper detriment to petitioner, or has resulted in a failure to yield to the petitioner a benefit contemplated by the Act.

(2) *Petition complaining of coordination, or failure to establish coordination, of marketing rules and regulations.* Each original petition complaining of the coordination, or the failure to establish coordination, of marketing rules and regulations shall set forth the status and interests of the petitioner, and shall further set forth with particularity the coordination, or failure to establish coordination, complained of, and the precise manner in which the petitioner has been or will be affected thereby. The petition shall disclose the information required in (b) (1) (i) (ii) of this section, to the extent that such information is related to or facilitates an understanding of the issues raised by the petition.

(3) *Petitions by parties not producers.* In the case of an original petition filed by a party other than a producer, the contents of (b) (1) (i) (ii) and (2) of this section shall be applicable, as nearly as may be possible.

(4) *Prayer.* Each original petition shall contain a prayer for the specific relief desired, including the specific adjustments desired for the petitioner, or for his competitors, or both, and may pray for a preliminary or temporary order pending final disposition of the petition. (See Section 301.106.)

(5) *Caption.* The caption of each original petition shall refer to the districts and market areas involved and shall indicate the nature of the relief desired.

(c) *Petitions of intervention, answers and replies, etc.* Each petition of intervention, and every other pleading, shall show the name and post office address of the pleader, and shall state with particularity the status and interest of the pleader, and the matter or matters relied upon, together with such information as the pleader may deem necessary for a proper and expeditious disposition of the proceeding. In so far as possible, each pleader other than the original petitioner shall also comply with the provisions of (b) of this section with respect to the factual position of the pleader, as far as related to the issues in the proceeding. Any petition for intervention may be combined with any other pleading, e. g., answer, reply, motion to dismiss, etc.

(d) *Amendment of pleadings.* Any pleading may be amended, upon leave obtained from the Director or presiding officer, if such amendment is convenient or necessary for the purposes of the proceeding.

(e) *Incorporation of pleadings by reference.* No protest, pleading or other instrument previously filed with the National Bituminous Coal Commission or proceeding whenever, in his judgment, the Bituminous Coal Division in any proceeding shall be incorporated by reference in any pleading filed in a proceeding under Section 4, II (d), but each matter relied upon shall be specifically alleged.

(f) *Service of pleadings.* Each pleading submitted to the Division for filing must be accompanied by an affidavit showing that the pleading has been personally served upon or mailed by registered mail to the Director of the Consumers' Counsel Division, the district board and the statistical bureau for the district in which the mine or mines involved in the proceeding are located, all parties to the proceeding, all persons or entities eligible to be parties under Section 301.101 and referred to by name in the pleading, and as to pleadings filed thereafter, any other person who has previously been allowed to appear and be heard. Upon receipt of an original petition, the district board will, so far as it deems feasible, mail notification of the filing thereof to each other district board which is likely to be affected by the granting of the petition. Every district board, upon receipt of the original petition or of a notification thereof will, so far as it deems feasible, mail notification of the filing thereof to any code member located in its district who is not referred to in the petition and whose interests in the judgment of the district board are likely substantially to be affected by the granting of the petition.

(g) *Time and place of filing.* All pleadings shall be filed with the Director, Bituminous Coal Division, Department of the Interior, 734 Fifteenth Street NW., Washington, D. C., and shall be deemed filed when received at the Director's office. Unless the Director or presiding officer shall otherwise order, petitions of intervention shall be filed with the Director at least five (5) days before the date set for hearing: *Provided*, That all pleadings responding to the original petition shall be filed not later than thirty (30) days after the filing of the original petition.

(h) *Inspection of pleadings.* Copies of all pleadings will be available for inspection by any interested person or entity during office hours in the Records Section of the Division in Room 502, 734 Fifteenth Street NW., Washington, D. C.; during office hours in the office of each of the district boards, and of each of the statistical bureaus, for the districts in which the petitioner's mines involved are located.*

§ 301.103 *Joinder of parties.* Any two or more parties may join in one pleading if the issues presented are similar. The pleading shall be duly subscribed and verified by each party, as set forth in Section 301.102. Any such joinder shall be subject to the disap-

proval of the Director or presiding officer.*

§ 301.104 *Consolidation of proceedings.* The Director may, upon motion of any party, or upon his own motion, order that the proceedings on two or more petitions be consolidated into one the issues raised by such petitions are so related that consolidation of the proceedings will facilitate an expeditious or just consideration of the issues.*

§ 301.105 *Notice of hearing.* Upon the filing of any original petition, the Director will cause the same to be set for hearing as promptly as he deems reasonable, and will cause a Notice of Hearing to be published in the FEDERAL REGISTER, and copies thereof to be mailed to the Director of the Consumers' Counsel Division, to each district board, to each statistical bureau, to the petitioner and all other persons who have become parties, and to each code member referred to by name in the pleadings.*

§ 301.106 *Preliminary or temporary order—(a) Petition praying for preliminary or temporary order.* Any original petition filed under Section 301.102, or pleading amendatory thereof, may contain a prayer for a preliminary or temporary order pending the final disposition of such original petition. In the event that such prayer is included, the pleading shall conform to the provisions of Section 301.102, (a) and (b), above, and, in addition, shall state:

(1) The special facts upon which the pleader bases his prayer for preliminary or temporary relief;

(2) The special reasons why the preliminary or temporary relief sought should be granted;

(3) The details of the nature and extent of the injury which make it imperative that petitioner obtain the preliminary or temporary relief sought;

(4) The specific details of the preliminary or temporary relief sought;

(5) The name and address of at least one purchaser who is affected by the matters complained of;

(6) A concise statement of the market history of the coals competing in the locality, including the price or prices at which these coals moved, in so far as relevant to the prayer and in so far as the petitioner may be informed thereof.

Any such petition shall indicate in its caption that it includes the prayer for preliminary or temporary relief. The verified petition may be accompanied by supporting affidavits.

(b) *Prior notification of such petition.* Any petition containing a prayer for preliminary or temporary relief, submitted to the Division for filing, must be accompanied by an affidavit showing that petitioner, in addition to complying with the requirements of the first sentence of Section 301.102, (f), above, has notified the district board for the district in which he is located of the proposed filing of the petition, by telegram sent at least twenty-four (24) hours be-

fore the filing of the petition or by personal service of a copy of the petition upon the district board at least twenty-four (24) hours before the filing of the petition.

(c) *Other pleadings related to such prayer.* Before the Director has passed upon the prayer for a preliminary or temporary order, there may be filed with him any appropriate pleading in support of or in opposition to the granting of such preliminary or temporary order.

(d) *Informal presentation of views.* Any petitioner desiring to present his views orally and informally with respect to his prayer for a preliminary or temporary order shall file a request for opportunity so to do. In the event that his request is granted, the matter will be set for presentation to the Director or to such employee or employees of the Division as the Director may designate to advise him in such matters. The Division will maintain in the Records Section a schedule of such conferences which shall be open for public inspection. Such conferences shall be informal in character and may be attended by interested persons subject, however, to such restrictions with respect to participation and to such rules with respect to conduct of the conference, as the Director or the employee of the Division in charge shall deem advisable.

(e) *Hearing requested by petitioner.* Any petitioner praying for a temporary or preliminary order may, as a matter of right, request and obtain a hearing on such prayer, and the Director will assign the matter for hearing as promptly as he deems feasible.

(f) *Disposition of prayer.* The Director, upon a reasonable showing of necessity therefor, may make such preliminary or temporary order as in his judgment may be appropriate, and not inconsistent with the provisions of the Act. In the absence of a request by the petitioner for a hearing (as provided in paragraph (e) hereof) the Director may dispose of the prayer and grant or deny a temporary or preliminary order without notice or hearing or upon such notice and hearing as he may deem advisable. The preliminary or temporary order shall be published in the FEDERAL REGISTER, and a copy thereof shall be mailed to the Director of the Consumers' Counsel Division, to each district board, to each statistical bureau, to each party to the proceeding and to each code member referred to by name in any pleading in the proceeding; and a copy thereof shall be available for inspection at the office of the Division, and at the offices of the various statistical bureaus during regular office hours.

(g) *Pleading to stay, terminate, or modify preliminary or temporary order.* If the Director has granted the prayer for a preliminary or temporary order, there may be filed with him an appropriate pleading praying that said order be stayed, terminated or modified. Such

pleading shall comply with the requirements of Sections 301.102, and may consist of a pleading filed under Section 301.102, (c). The pleading shall set forth the special facts relied upon to support the prayer that a preliminary or temporary order be stayed, terminated or modified, and may be supported by affidavits. Any such pleading shall be accompanied by an affidavit which shall show, in addition to compliance with the requirements of the first sentence of Section 301.102, (f), above, that the person to whom preliminary or temporary relief was granted has been notified of the proposed filing of the pleading by telegram sent at least twenty-four (24) hours before the filing of the pleading or by personal service of a copy of the pleading upon him at least twenty-four (24) hours before the filing thereof. Any person praying that a preliminary or temporary order be stayed, terminated or modified may request that the matter be set for hearing. Thereupon, the Director shall set the matter for hearing within fifteen (15) days unless it shall appear to the Director that the time should be extended. Such hearing shall be upon affidavits unless the Director otherwise prescribes.

No such pleading or prayer for hearing shall operate to stay the effect of a preliminary or temporary order which has been issued. The Director, upon his own motion or upon the pleadings or motion of any other party, may suspend, terminate, modify or condition any preliminary or temporary order and may make such further order in the premises as in his judgment is appropriate. No preliminary or temporary order which has been issued shall be terminated or modified unless the person to whom preliminary or temporary relief has been granted either has had an opportunity to be heard or has been notified to show cause why such order should not be terminated or modified (which notice may be given by telegram), *provided, however*, that the Director may temporarily suspend or modify any preliminary or temporary order without notice, pending a hearing on such rule to show cause.

(h) *Not final order.* Granting or denying of a preliminary or temporary order or any other order requested under this section shall not be a final order and shall not be considered an adjudication on the merits of the original petition.

Pleadings filed under this section shall conform with the requirements of these sections, particularly Section 301.102, as to notification, service, inspection, etc.*

§ 301.107 *Hearing—(a) Appearance by interested persons.* Any interested person or entity who desires to be heard at any hearing under these Rules shall file a written appearance setting forth his name and address, the nature of his interest and his desire to be heard; and the Director or presiding officer shall make such order as he shall deem appropriate, in view of the interests of the applicant, the state of the hearing, etc., which order may include leave to present

evidence, cross-examine witnesses, file briefs, or make oral argument, etc.

(b) *Order of procedure.* Unless otherwise directed by the presiding officer, first the petitioner shall present his evidence, to be followed (in the order named) by parties and any other interested persons or entities supporting the petition, and by parties and other interested persons or entities opposing the petition, and by counsel to the Division. The proponents of the petition will then be afforded an opportunity to present rebuttal evidence. Oral argument and submission of briefs shall be within the discretion of the presiding officer: *Provided*, That if the Director is the presiding officer, the submission of briefs, within such time as the Director may prescribe, shall be a matter of right.*

§ 301.108 *Evidence—(a) Burden of proof.* The burden of proof shall be upon the party or parties complaining of the Division's action or failure to take action.

(b) *Notice and incorporation of prior proceedings.* Any final finding or determination made in the proceedings in General Docket No. 15, may be judicially noticed or offered and received in evidence, provided that any party shall have the opportunity to come forward to rebut the facts found or determined. In the interests of economy and expedition, the presiding officer may, in his discretion, permit pertinent testimony or evidence adduced at any phase of the proceeding in General Docket No. 15 to be incorporated by reference in any proceeding under Section 4, II (d), if the party specifies the portion to be incorporated with particularity in such manner that it may be readily identified. The presiding officer shall make such order as he shall deem necessary to assure that the incorporation does not prejudice the rights of any party. Any evidence so incorporated shall be considered by the presiding officer, in connection with all of the other evidence received in the proceeding, for whatever probative value it may have. Unless the presiding officer for cause shown shall otherwise order, any party desiring to incorporate evidence previously adduced shall, two or more days prior to the date set for hearing, file with the Division a statement to that effect, specifically designating the portions to be incorporated, and, if possible, the pages of the transcript involved.

(c) *Tabulations of spot orders or invoices.* Any party who deems that tabulations of spot orders or invoices will be of assistance to him in connection with a proceeding under these sections and who desires to utilize or rely upon tabulations of spot orders or invoices in the possession of the Division may call upon the Division in advance of the hearing for such tabulations. Such tabulations will be supplied in so far as feasible without disclosing confidential data and without unreasonably burdening the Division or interfering with the performance of its functions. The Director may make such order as he deems neces-

sary to safeguard the use of such tabulations.*

§ 301.109 *Findings of fact and order.* If the hearing is held before an examiner, he shall, as expeditiously as possible, prepare and file with the Director a report of said hearing, setting forth therein proposed findings of fact and the recommendation of an appropriate order. The Records Section of the Division shall thereupon cause a copy of such report to be mailed to each party, and to every person who has entered his appearance in the proceeding pursuant to the provisions of Section 301.107, (a). If the hearing is held before the Director, he will, as expeditiously as possible, make findings of fact and enter his order in the premises.*

§ 301.110 *Exceptions to examiner's report.* Exceptions to the report, findings, and recommendations of the examiner, and requested findings and order may be filed with the Director within fifteen (15) days after such findings and recommendations are filed, or such other period as the Director may prescribe, and, if so desired, briefs in support of such exceptions and a request for oral argument before the Director may be filed. Copies of any such exceptions, briefs, and requests shall be served on all parties to the proceeding by the party filing the same.

Upon consideration of the report of the examiner, exceptions, briefs, and requests, the Director shall, with or without hearing oral argument, make findings of fact and enter his order in the premises.*

§ 301.111 *Waiver of report of examiner.* The parties may by written stipulation waive the filing of a report by the examiner, subject to the disapproval of the examiner or the Director. If the examiner's report has been waived, the examiner shall file with the Director a note that the hearing has been concluded. Within fifteen (15) days after the conclusion of the hearing, or such other period as the Director may prescribe, the parties may file requested findings and order, and any briefs and requests for oral argument which may be desired, as described in Section 301.110.*

§ 301.112 *Matters not governed by foregoing rules.* If any provision of these Rules and Regulations conflicts with any provision of the "Rules of Practice and Procedure before the Commission", heretofore adopted and ratified by the Bituminous Coal Division, the provisions of these Rules and Regulations shall govern. In any matter not covered by these Rules and Regulations, the "Rules of Practice and Procedure before the Commission" shall apply.*

Dated, February 9, 1940.

[SEAL] H. A. GRAY,
Director.

Approved, February 14, 1940.

H. L. I.,
Secretary of the Interior.

[F. R. Doc. 40-705; Filed, February 15, 1940;
11:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 202—ANCHORAGE REGULATIONS

§ 202.91 *San Francisco Bay, California; restricted area for seaplanes at Oakland, California.* Pursuant to the provisions of section 7 of the River and Harbor Act approved August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), a portion of General Anchorage No. 6, San Francisco Bay at Oakland, California, is hereby defined and established as a temporary restricted seaplane area, and the following regulations relating thereto are hereby adopted:

THE AREA

(a) The truncated triangular area between the Berkeley Auto Ferry Pier and the San Francisco-Oakland Bay Bridge, the four corners of which are the following distances and true bearings from the easterly pier of the cantilever span of the above bridge (the pier marked H on U. S. Coast and Geodetic Survey charts 5532 and 5535): northwest corner, 3,532 yards, 348¾°; northeast corner, 4,813 yards, 54¾°; southeast corner, 4,560 yards, 59½°; southwest corner, 555 yards, 31½°.

Note: The area will be marked by the U. S. Coast Guard in accordance with standard practice for the designation of anchorage areas and such other buoys as may be selected by the U. S. Coast Guard and the Civil Aeronautics Authority for the guidance of seaplanes.

THE RULES AND REGULATIONS

(b) No surface watercraft shall be operated or anchored in this area except those attendant upon seaplane operations. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs., Feb. 5, 1940 (E.D. 7175 (San Francisco B.), 65/7)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-698; Filed, February 15, 1940;
11:13 a. m.]

TITLE 43—PUBLIC LANDS

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1466]

REGULATIONS GOVERNING THE OPENING TO LEASE FILING OF LANDS IN TERMINATED OIL AND GAS PROSPECTING PERMITS

§ 192.14a *Drawings to be held where simultaneous applications are filed to lease lands embraced in permits which terminated by operation of law.* In all cases in which an oil and gas prospecting permit has terminated by operation of law, such termination will be noted on the tract book of the district land office as of a fixed future date and will become effective at 9 o'clock a. m. on the day thus fixed.

Instructions from the General Land Office to the Registers of the district

land offices advising them to note the termination of permits on their records will fix the effective date of such termination. No notice to the public of the opening of the lands for lease will be required except that the Register will post notice thereof in a conspicuous place in the district land office for a period of not less than fifteen days prior to the effective date of the termination of the permit.

Applications to lease the lands which are filed in the district land office by mail or otherwise within the period of fifteen days prior to the effective date of termination and applications filed over the counter by persons who are present at the district land office at 9 o'clock a. m. on such date, which applications conflict in whole or in part, will be considered as filed simultaneously; and the right of priority of filing will be determined by a public drawing following the procedure prescribed in paragraph 4 of Circular No. 324, dated May 22, 1914, 43 L. D. 254 (§ 295.8), except as hereinafter otherwise provided.

If on the effective date of termination of a permit two or more conflicting applications to lease the lands have been received, accompanied by proper filing fees, the Register will require each applicant to deposit in his office a drawing fee of \$10, which constitutes a charge for participating in the drawing, and to furnish a statement under oath that the application is filed in good faith for his or its own benefit and not directly or indirectly in whole or in part in behalf of any other person, association, or corporation. Notice of these requirements will be sent to each applicant at the address given in the application by registered mail. Envelopes in which the notices are mailed should bear notation requesting the return of undelivered letters after being held in the post office for a period of fifteen days. The notice will state the date and hour on which the drawing will be held and advise the applicant that unless the requirements are complied with prior to the date of drawing the application will not be entered in the drawing but will be rejected and the case closed without further notice. Where a drawing is held the drawing fee paid in connection with those applications which participate therein will be applied as earned on the date of the drawing and will not be subject to repayment to any of the applicants. In case not more than one applicant pays the drawing fee no drawing will be held and the fee will be returned.

The drawing will be held not less than thirty days from the effective date of the termination of the permit. At the completion of a drawing, the Register will furnish the General Land Office a list of the applications involved therein showing: (a) date of drawing, (b) description of the land involved, (c) name of successful applicant and serial number of application, and (d) names of unsuccessful applicants and serial numbers of their applications.

As to the States which have no district offices, the termination of permits will be noted on the records of the General Land Office and the procedure herein provided for the opening of the lands to lease filing will be followed.

The filing fee submitted by each applicant with his application, will be held by the Register as unearned proceeds and will be disposed of in the manner provided by Circular 1383a,¹ dated July 13, 1938, 56 I. D. 596 (§ 191.6).*

FRED W. JOHNSON,
Commissioner.

Approved, February 6, 1940.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 40-697; Filed, February 15, 1940;
9:31 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective February 16, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

* These regulations are issued under the authority contained in sec. 32, 41 Stat. 450; 30 U.S.C. 189.

¹ 3 F.R. 1800.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

I. Taitel & Son, Murphy's Addition, Scottsburg, Indiana (5 learners), boys' pants and sport ensembles.

Kinston Shirt Company, Kinston, North Carolina, men's shirts.

New England Pants Co., Inc., 57 North Street, Willimantic, Connecticut, trousers.

Rotary Shirt Co., Inc., 9-13 Broad Street, Glens Falls, New York, shirts.

Signed at Washington, D. C., this 15th day of February 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-707; Filed, February 15, 1940;
12:33 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective February 16, 1940, until June 14, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the opera-

tion of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
New England Pants Company, Inc., 57 North Street, Willimantic, Connecticut.	Trousers....	10
Royal Manufacturing Company, Washington, Georgia.	Sportswear..	26

Signed at Washington, D. C., this 15th day of February 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-708; Filed, February 15, 1940;
12:33 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective February 16, 1940 to September 16, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Real Silk Hosiery Mills, Inc., Dalton, Georgia, 52.

Signed at Washington, D. C., this 15th day of February 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-709; Filed, February 15, 1940; 12:33 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective February 16, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the oper-

ation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated herein below opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Carbon Knitwear Company, Inc., South Street, East Mauch Chunk, Pennsylvania (4 learners), sweaters.

Signed at Washington, D. C., this 15th day of February 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-710; Filed, February 15, 1940; 12:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of February, 1940.

[File No. 1-692]

IN THE MATTER OF INTERNATIONAL PRODUCTS CORPORATION 6% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and

Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 6% Cumulative Preferred Stock, \$100 Par Value, of International Products Corporation; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 24, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-702; Filed, February 15, 1940; 11:16 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of February, A. D. 1940.

[File No. 1-2229]

IN THE MATTER OF THE CALORIZING COMPANY CUMULATIVE CONVERTIBLE PARTICIPATING EIGHT PER CENT PREFERENCE STOCK, PAR VALUE \$25

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration of the Cumulative Convertible Participating Eight Per Cent Preference Stock, Par Value \$25, of The Calorizing Company on the Pittsburgh Stock Exchange, should be suspended or withdrawn; and

After appropriate notice,² a hearing having been held, the trial examiner having filed his advisory report and no exceptions thereto having been taken; and

The Commission having fully considered this matter and having entered its findings herewith;

It is ordered, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, that the registration on the Pittsburgh Stock Exchange of the Cumulative Convertible Participating Eight Per Cent Preference Stock, Par Value \$25, of The Calorizing Company shall be and the same is hereby withdrawn, effective at the close of business on February 24, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-700; Filed, February 15, 1940; 11:16 a. m.]

¹ 4 FR. 4978.

² 4 FR. 4384.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of February 1940.

[File No. 1-2774]

IN THE MATTER OF GENERAL HOUSEHOLD UTILITIES COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of General Household Utilities Company; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 24, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-701; Filed, February 15, 1940; 11:16 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of February, A. D. 1940.

[File No. 46-206]

IN THE MATTER OF GENERAL WATER GAS & ELECTRIC COMPANY; INTERNATIONAL UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application and a declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 1, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be

shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 26, 1940.

The matter concerned herewith is in regard to the issue and sale by General Water Gas & Electric Company, a subsidiary of International Utilities Corporation, a registered holding company, of the following promissory notes: (1) a 2½% secured promissory note to American Trust Company, San Francisco, California, to be payable three years after the date thereof in the principal amount of \$800,000. This promissory note will be secured by the pledge of all of the shares of Common Capital Stock of California Water Service Company owned, or which may hereafter be owned, by General Water Gas & Electric Company; (2) a 5% promissory note to International Utilities Corporation to be payable August 30, 1942, in the principal amount of \$858,000. This promissory note will be secured by (a) the Company's reversionary right in the shares of Common Capital Stock of California Water Service Company which are to be pledged as security for the note to American Trust Company, and (b) \$1,000,000 face amount of Pinellas Water Company 6½% Income Notes, dated January 2, 1935, due September 1, 1960.

The proceeds from the issue and sale of the note to be sold to American Trust Company will be used together with additional funds to be supplied by General Water Gas & Electric Company to pay a 3% secured promissory note in the principal amount of \$901,668.26, held by The Chase National Bank of the City of New York. The 5% promissory note to International Utilities Corporation will be exchanged for a 6% note of like face amount and maturity now held by International Utilities Corporation.

General Water Gas & Electric Company has indicated that Section 7 of the Public Utility Holding Company Act of 1935 is applicable to the issue and sale by it of the above described promissory notes and International Utilities Corporation has indicated that Section 10 of the Act is applicable to it with regard to the acquisition of the note proposed to

be issued by General Water Gas & Electric Company to it.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-699; Filed, February 15, 1940; 11:16 a. m.]

United States of America—Before The Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of February, A. D. 1940.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY, AMERICAN GAS AND ELECTRIC COMPANY

[Public Utility Holding Company Act of 1935 Section 6 (b); Rule U-12C-1 (b); Rule U-12D-1; Rule U-12F-1]

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND AUTHORIZING PAYMENT THEREOF

The Commission having, by its Order entered in the above styled proceedings on the 24th day of June, 1939, reserved jurisdiction to determine at a later date, whether the fees to be paid to attorneys retained to represent the Indiana & Michigan Electric Company and the insurance companies and to the First Boston Corporation in connection with the issue and sale of the Indiana & Michigan Electric Company's \$22,500,000 principal amount First Mortgage Bonds, 3¼% Series due 1969, are or are not reasonable, and having directed that no part of the fees proposed to be paid to such attorneys or to the First Boston Corporation should be paid pending further order of the Commission;

It is ordered, That jurisdiction is hereby released with respect to an amount which, taken together with the amounts heretofore released by the Commission by its Order of December 15, 1939, shall aggregate the sums respectively set forth opposite the names of the following, and constitute full and reasonable payment and full satisfaction for the services rendered by them and described in these proceedings:

Simpson, Thacher & Bartlett.....	\$20,000
Sullivan & Cromwell.....	10,000

That no further amount beyond that heretofore expressly authorized shall be paid on account of the proposed fee of Gondo, Van Atta & Batton, of Marion, Indiana, as to which jurisdiction was reserved, but that the said amount heretofore expressly authorized shall constitute full and reasonable payment and full satisfaction for the services rendered by the said firm and described in these proceedings;

That in all other respects, the said Order of June 24, 1939 shall continue in full force and effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-706; Filed, February 15, 1940; 12:28 p. m.]

¹ 4 F. R. 4844.

